



PATENT
Attorney Docket No.: MDS-009CN
(6219/15)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Modell *et al.*
SERIAL NO.: 09/841,325 GROUP NO.: 3737
FILING DATE: April 24, 2001 EXAMINER: Smith, Ruth S.
TITLE: Spectral Volume Microprobe Arrays

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of November, 2003.


Karina L. Branzetti

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Fee Transmittal Form (1 pg.);
3. Check in the amount of \$180.00;
4. Fifth Supplemental Information Disclosure Statement (3 pgs.);
5. Fifth Supplemental Form PTO-1449 (1 pg.);
6. Copies of Cited References (A195-A217); and
7. Return Receipt Postcard.

RECEIVED
NOV 25 2003
TECHNOLOGY CENTER R3700



TRANSMITTAL FORM

Application Serial Number	09/841,325
Filing Date	April 24, 2001
First Named Inventor	Modell
Group Art Unit	3737
Examiner Name	Smith, Ruth S.
Attorney Docket No.	MDS-009CN
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input checked="" type="checkbox"/> Fifth Supplemental Information Disclosure Statement (3 pgs.) <input checked="" type="checkbox"/> Fifth Supplemental Form PTO-1449 (1 pg.) <input checked="" type="checkbox"/> Copies of IDS Citations (A195-A217) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
---	---	---

RECEIVED

NOV 25 2003

TECHNOLOGY CENTER R3700

CORRESPONDENCE ADDRESS

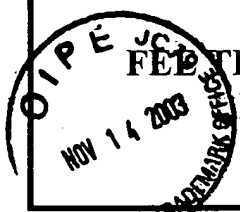
Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

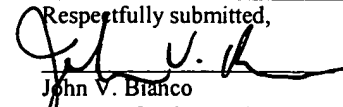
Date: November 12 2003
Reg. No.: 36,748
Tel. No.: (617) 248-7870
Fax No.: (617) 248-7100

Respectfully submitted,

John V. Bianco
Attorney for Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

 FEE TRANSMITTAL FY 2004	Complete if Known	
	Application Serial Number	09/841,325
	Filing Date	April 24, 2001
	First Named Inventor	Modell
	Group Art Unit	3737
	Examiner Name	Ruth S. Smith
Attorney Docket No.	MDS-009CN	

RECEIVED
 NOV 25 2003
 TECHNOLOGY CENTER R3700

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other 2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit. 3. <input checked="" type="checkbox"/> Applicant claims small entity status.	3. ADDITIONAL FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee (\$)</th> <th style="text-align: left;">Small Entity Fee (\$)</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>420</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>950</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1480</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2010</td><td>1005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>330</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>330</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>290</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td>180.00</td></tr> <tr><td>770</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>770</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td>110</td><td>55</td><td>Submission of Terminal Disclaimer</td><td></td></tr> <tr><td colspan="2">Other fee (Specify)</td><td></td><td></td></tr> <tr><td colspan="2">Other fee (Specify)</td><td></td><td></td></tr> </tbody> </table>	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		420	210	Extension for reply within second month		950	475	Extension for reply within third month		1480	740	Extension for reply within fourth month		2010	1005	Extension for reply within fifth month		330	165	Notice of Appeal		330	165	Filing a brief in support of an appeal		290	145	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement	180.00	770	385	Filing a submission after final rejection (37 CFR 1.129(a))		770	385	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		110	55	Submission of Terminal Disclaimer		Other fee (Specify)				Other fee (Specify)															
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																														
130	65	Surcharge - late filing fee or oath																																																																																															
50	25	Surcharge - late provisional filing fee or cover sheet																																																																																															
130	130	Non-English specification																																																																																															
2,520	2,520	Request for ex parte reexamination																																																																																															
110	55	Extension for reply within first month																																																																																															
420	210	Extension for reply within second month																																																																																															
950	475	Extension for reply within third month																																																																																															
1480	740	Extension for reply within fourth month																																																																																															
2010	1005	Extension for reply within fifth month																																																																																															
330	165	Notice of Appeal																																																																																															
330	165	Filing a brief in support of an appeal																																																																																															
290	145	Request for oral hearing																																																																																															
130	130	Petitions to the Commissioner																																																																																															
180	180	Submission of Information Disclosure Statement	180.00																																																																																														
770	385	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																															
770	385	For each additional invention to be examined (37 CFR 1.129(b))																																																																																															
100	100	Certificate of Correction for applicant's error																																																																																															
110	55	Submission of Terminal Disclaimer																																																																																															
Other fee (Specify)																																																																																																	
Other fee (Specify)																																																																																																	
FEE CALCULATION 1. FILING FEE <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee (\$)</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>770</td><td>Utility filing fee</td><td></td></tr> <tr><td>340</td><td>Design filing fee</td><td></td></tr> <tr><td>160</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Number Filed</th> <th style="text-align: left;">Number Extra</th> <th style="text-align: left;">Rate</th> <th style="text-align: left;">Amount</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>- 20 =</td> <td>x \$ 18.00 =</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td>x \$ 86.00 =</td> <td></td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Multiple Dependent Claim(s), if any</td> <td>\$290.00 =</td> </tr> <tr> <td colspan="3" style="text-align: right;">TOTAL:</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SMALL ENTITY DISCOUNT:</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$)</td> </tr> </tbody> </table> 2. AMENDMENT CLAIM FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Claims Remaining After Amend.</th> <th style="text-align: left;">Highest No. Previously Paid For</th> <th style="text-align: left;">Present Extra</th> <th style="text-align: left;">Rate</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total</td> <td>-</td> <td>=</td> <td>x \$ 18.00 =</td> <td></td> </tr> <tr> <td>Indep.</td> <td>-</td> <td>=</td> <td>x \$ 86.00 =</td> <td></td> </tr> <tr> <td colspan="3"><input type="checkbox"/> First Presentation of Multiple Dep. Claim</td> <td>+ \$290.00 =</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">TOTAL:</td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SMALL ENTITY DISCOUNT:</td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (2)</td> <td>(\$)</td> <td></td> </tr> </tbody> </table>	Large Entity Fee (\$)	Fee Description	Fee Paid	770	Utility filing fee		340	Design filing fee		160	Provisional filing fee		Number Filed	Number Extra	Rate	Amount	Total Claims	- 20 =	x \$ 18.00 =		Independent Claims	- 3 =	x \$ 86.00 =		<input type="checkbox"/> Multiple Dependent Claim(s), if any			\$290.00 =	TOTAL:				SMALL ENTITY DISCOUNT:				SUBTOTAL (1)			(\$)	Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid	Total	-	=	x \$ 18.00 =		Indep.	-	=	x \$ 86.00 =		<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$290.00 =		TOTAL:			(\$)		SMALL ENTITY DISCOUNT:			(\$)		SUBTOTAL (2)			(\$)		<div style="text-align: center; font-size: large; font-weight: bold;">RECEIVED</div> <div style="text-align: center; font-size: large; font-weight: bold;">NOV 25 2003</div> <div style="text-align: center;">TECHNOLOGY CENTER R3700</div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">SUBTOTAL (3)</td> <td>(\$)</td> <td>180.00</td> </tr> <tr> <td colspan="3" style="height: 20px;"> </td> </tr> <tr> <td>SUBTOTAL (1)</td> <td></td> <td></td> </tr> <tr> <td>SUBTOTAL (2)</td> <td></td> <td></td> </tr> <tr> <td>SUBTOTAL (3)</td> <td></td> <td>180.00</td> </tr> <tr> <td colspan="3" style="height: 20px;"> </td> </tr> <tr> <td style="text-align: right;">TOTAL</td> <td>(\$)</td> <td>180.00</td> </tr> </table>	SUBTOTAL (3)	(\$)	180.00				SUBTOTAL (1)			SUBTOTAL (2)			SUBTOTAL (3)		180.00				TOTAL	(\$)	180.00
Large Entity Fee (\$)	Fee Description	Fee Paid																																																																																															
770	Utility filing fee																																																																																																
340	Design filing fee																																																																																																
160	Provisional filing fee																																																																																																
Number Filed	Number Extra	Rate	Amount																																																																																														
Total Claims	- 20 =	x \$ 18.00 =																																																																																															
Independent Claims	- 3 =	x \$ 86.00 =																																																																																															
<input type="checkbox"/> Multiple Dependent Claim(s), if any			\$290.00 =																																																																																														
TOTAL:																																																																																																	
SMALL ENTITY DISCOUNT:																																																																																																	
SUBTOTAL (1)			(\$)																																																																																														
Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid																																																																																													
Total	-	=	x \$ 18.00 =																																																																																														
Indep.	-	=	x \$ 86.00 =																																																																																														
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$290.00 =																																																																																														
TOTAL:			(\$)																																																																																														
SMALL ENTITY DISCOUNT:			(\$)																																																																																														
SUBTOTAL (2)			(\$)																																																																																														
SUBTOTAL (3)	(\$)	180.00																																																																																															
SUBTOTAL (1)																																																																																																	
SUBTOTAL (2)																																																																																																	
SUBTOTAL (3)		180.00																																																																																															
TOTAL	(\$)	180.00																																																																																															
CORRESPONDENCE ADDRESS Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	SIGNATURE BLOCK <div style="display: flex; justify-content: space-between;"> <div> Date: November 12, 2003 Reg. No.: 36,748 Tel. No.: (617) 248-7870 Fax No.: (617) 248-7100 </div> <div style="text-align: center;"> Respectfully submitted,  John V. Bianco Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 </div> </div>																																																																																																



PATENT
Attorney Docket No. MDS-009CN

3737
\$
#4 IDS
11/26/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Modell et al.
SERIAL NO.: 09/841,325 GROUP NO.: 3737
FILING DATE: April 24, 2001 EXAMINER: Not yet assigned
TITLE: Spectral Volume Microprobe Arrays

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
NOV 25 2003

TECHNOLOGY CENTER R3700

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

In addition, Applicants wish to call to the Examiner's attention Office Actions issued in the following commonly-owned, co-pending patent applications:

- 1) U.S. Serial No. 09/591,706, Attorney Docket No. MDS-012, filed on 6/9/00, by Nordstrom et al.;
- 2) U.S. Serial No. 09/738,614, Attorney Docket No. MDS-013A, filed on 12/15/00, by Kaufman et al.;
- 3) U.S. Serial No. 10/068,133, Attorney Docket No. MDS-013AC2, filed on 2/5/02, by Kaufman et al.;
- 4) U.S. Serial No. 09/738,147, Attorney Docket No. MDS-013B, filed on 12/15/00, by Kaufman et al.;
- 5) U.S. Serial No. 10/411,777, Attorney Docket No. MDS-013BC1, filed on 4/11/03, by Kaufman et al.;
- 6) U.S. Serial No. 10/178,772, Attorney Docket No. MDS-014CN, filed on 6/24/02, by Modell et al.;
- 7) U.S. Serial No. 10/122,429, Attorney Docket No. MDS-015CN, filed on 4/12/02, by Nordstrom et al.;
- 8) U.S. Serial No. 09/481,762, Attorney Docket No. MDS-016, filed on 1/11/00, by Modell et al.;
- 9) U.S. Serial No. 09/738,612, Attorney Docket No. MDS-020, filed on 12/15/00, by Costa et al.;
- 10) U.S. Serial No. 10/071,932, Attorney Docket No. MDS-022C1, filed on 2/8/02, by Nordstrom et al.;
- 11) U.S. Serial No. 10/192,820, Attorney Docket No. MDS-028, filed on 7/10/02, by Schomacker et al.;
- 12) U.S. Serial No. 10/099,881, Attorney Docket No. MDS-030, filed on 3/15/02, by Kaufman et al.;
- 13) U.S. Serial No. 10/273,511, Attorney Docket No. MDS-031, filed on 10/18/02, by Clune et al.;
- 14) U.S. Serial No. 10/192,836, Attorney Docket No. MDS-032, filed on 7/10/02, by Zelenchuk;
- 15) U.S. Serial No. 10/243,535, Attorney Docket No. MDS-033, filed on 9/13/02, by Schomacker et al.;
- 16) U.S. Serial No. 10/295,794, Attorney Docket No. MDS-034, filed on 11/15/02, by Schomacker et al.;
- 17) U.S. Serial No. 10/418,922, Attorney Docket No. MDS-035, filed on 4/18/03, by Flewelling et al.;
- 18) U.S. Serial No. 10/418,902, Attorney Docket No. MDS-035A, filed on 4/18/03, by Jiang et al.;
- 19) U.S. Serial No. 10/418,974, Attorney Docket No. MDS-035B, filed on 4/18/03, by Jiang;
- 20) U.S. Serial No. 10/418,668, Attorney Docket No. MDS-035D, filed on 4/18/03, by Costa et al.;
- 21) U.S. Serial No. 10/418,975, Attorney Docket No. MDS-035E, filed on 4/18/03, by Jiang et al.;
- 22) U.S. Serial No. 10/418,415, Attorney Docket No. MDS-035F, filed on 4/18/03, by Schomacker et al.;
- 23) U.S. Serial No. 10/419,181, Attorney Docket No. MDS-035G, filed on 4/18/03, by Jiang et al.; and
- 24) U.S. Serial No. 10/418,973, Attorney Docket No. MDS-035H, filed on 4/18/03, by Schomacker et al.


It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,


John V. Bianco
Attorney for Applicants
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

Date: November 12, 2003
Reg. No. 36,748

Tel. No.: (617) 248-7870
Fax No.: (617) 248-7100

2708043